

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - N/S Tower Road, * ZONING COMMISSIONER
165' W of Offutt Road *
(Tower Road Site) * OF BALTIMORE COUNTY
2nd Election District *
2nd Councilmanic District * Case No. 96-39-XA
Baltimore County, Maryland - Owners;
American PCS, L.P. - Contract Lessee - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property located on the north side of Tower Road, west of Offutt Road in Randallstown. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., by Margaret C. Ruggieri, Esquire, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing water tower on the subject property and variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 20 feet, and a rear yard setback of 22 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-

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Date

By

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McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

In the site specific request by APC for the subject site, there was no direct opposition, although testimony was generally received in opposition to the request from J. A. Mann, Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County, and Ethel M. Carter, a resident of the Randallstown area.

The subject Petition for Special Exception is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the Tower Road site, the Petitioners propose to install its antennae on an existing water tower owned by Baltimore County. This tower is approximately 172.5 feet in height and is located on the north side of Tower Road on land zoned D.R. 3.5. The tower

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By

is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 120 feet, roughly 3/4 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in this area of Randallstown in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects

statement was also received (Petitioner's Exhibit 5D) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Tower Road location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

The Petition for Variance should also be granted. In this case, the Petitioner requests relief to allow a side setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a non-residential principal building. The unique characteristic of this property is the location of the existing water tower. Again, the B.C.Z.R. expresses a preference for the installation of antennae on existing structures. Relocation of the tower elsewhere on the site is illogical and impractical. Based on the testimony and evidence offered, I am persuaded that the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. and that the relief requested should be granted.

10/25/95
[Signature]

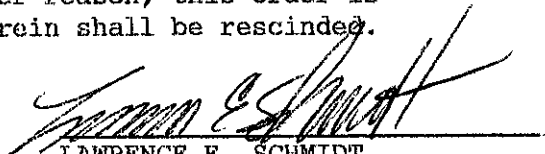
6000 10/25/95

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a non-residential principal building, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/25/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 25, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
N/S Tower Road, 165' W of Offutt Road
(Tower Road Site)
2nd Election District - 2nd Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-39-XA

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

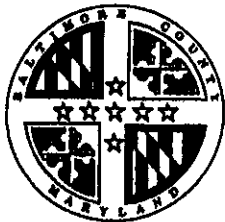
Margaret C. Ruggieri, Esquire, American PCS, L.P.
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

People's Counsel; Case ☒ File

Ms. Ethel M. Carter, 9820 Clanford Road, Randallstown, Md. 21133

MAILED 11 NOV 1995





Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at North side of Tower Road, Randallstown, MD

which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility pursuant to section 1B01.1 c 20

Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq.
for American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center, 6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature

c/o Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

832-2000

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

Baltimore County Maryland

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Courthouse, 400 Washington Avenue 887-0000

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

G. Scott Barhight, Esq./c/o Whiteford, Taylor & Preston

Name

210 W. Pennsylvania Avenue

Towson, MD 21204

Address

832-2000

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP. OFF
NO REVIEW
7/26/95
WCR

Zoning Administration
& Development Management



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at North side of Tower Road, Randallstown, MD

which is presently zoned D.R. 3.5

96-39-XA

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s) 1B01.2.C1a

To permit a sideyard setback at 15 feet in lieu of the required 20 feet and to permit a 22 feet rear yard setback in lieu of the required 30 feet. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret A. Ruggieri, Esq.
for American PCS, L.P.

(Type or Print Name)

Margaret C. Ruggieri/smm
Signature

One Democracy Center, 6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

G. Scott Barhight/c/kmc
Signature

c/o Whiteford, Taylor & Preston,

210 W. Pennsylvania Ave

832-2000

Address

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

Baltimore County Maryland

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Courthouse, 400 Washington Avenue, 887-0000

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight, Esq.

c/o Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Name

Towson, MD 21204

Address

832-2000

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE: _____



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ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
No REVIEW

7/26/95 WCR

37

96-39-XA

Description
to Accompany Petition for Special Exception
and

Petition for Variance

0.34 Acre Parcel

North Side of Tower Road

Second Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the point formed by the intersection of the centerline of Tower Road with the intersection of the centerline of Offutt Road (1) Northwesternly along the centerline of Tower Road 165 feet, more or less, and thence at a right angles to said road (2) Northeasterly 15 feet, more or less, to the point of beginning, said point of beginning having a coordinate value of North 25660 feet, more or less, and West 52440 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running on the north side of the aforementioned Tower Road (1) North 57 degrees 55 minutes West 100.00 feet, thence leaving said road and running the three following courses and distances, viz; (2) North 25 degrees 05 minutes East 150.00 feet, thence (3) South 57 degrees 55 minutes East 100.00 feet, and thence (4) South 25 degrees 05 minutes West 150.00 feet to the point of the beginning; containing 0.34 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 7, 1995

Project No. 94161.22 (L94161.22)

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-39-XA

District 2nd

Date of Posting 8/19/95

Posted for: Special Exception + Variance

Petitioner: Balta Co. MD

Location of property: NEB Tower Rd. 150' NW/OFFUTT RD

Location of Signs: Along roadway on property being zoned

Remarks: _____

Posted by [Signature]
Signature

Date of return: 8/25/95

Number of Signs: 1

NOTIFIED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein: In Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 290-30-XA
(Item 37)

NE 1/4 Tower Road, 180' NW of Oriole Road, also 800' +/- SW of Liberty Road

2nd Election District
2nd Councilmanic

Legal Owner:
Baltimore County Maryland
Land

Lessee:
American PCS, L.P.
Hearing: Wednesday,
September 6, 1995 at
11:00 a.m. in Rm. 108,
County Office Building.

Special Exception for a wireless transmitting and receiving facility. Variance to allow a side yard setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.
6/137 Aug. 10

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

August 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 10, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 54303

96-39-~~37~~-XA
ITEM #37

Drop-Off; No Review

DATE 7/26/95 ACCOUNT 001-6150

AMOUNT \$ 585.00 (WCR)

RECEIVED
FROM:

American PCS, L.P..

#050 - SPECIAL EXCEPTION

#020 - VARIANCE

FOR:

#080 - SIGN POSTING

Tower Road

01AULHD424MICHR

\$585.00

BA 0002:30FM07-27-95

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-39-XA (Item 37)

NE/S Tower Road, 150' NW of Offutt Road, also 600'+/- SW of Liberty Road

2nd Election District - 2nd Councilmanic

Legal Owner: Baltimore County Maryland

Lessee: American PCS, L.P.

HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.

Variance to allow a side yard setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon

Director

Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED
SEP 12 1995
BALTIMORE COUNTY



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 37
Case No.: 96-39-XA
Petitioner: American Personal
Communications

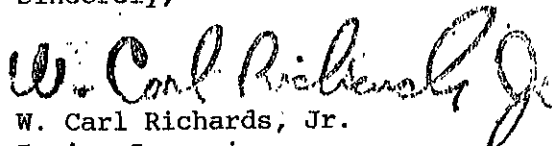
Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 037(WCR)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MAILED 7-11-95

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,
53, and 54. ⁹

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Sam L. Lewis

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 28, 30, 31, 32, 33, 34, 35, 36,
37, 38, 39, 41 AND 42.

12

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED

RECEIVED

AUG 11 1995

ZADM

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 14, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, 032, 033, 034, 035, 036, 037, 041 and 042

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director August 16, 1995
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP/pms*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #37 - American Personal Communications
Randallstown Site
Zoning Advisory Committee Meeting of August 7, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance personnel. Access to catwalk must be restricted by lock and key. Caution/warning signs should be placed in a prominent place close to the antennas and should advise maintenance people: a) not to stand close to the antennas and b) provide a phone number for antenna information.

JLP:BS:sp

c: S. Reekie

AMERICAN/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

37

TO: Virginia W. Barnhart, County Attorney
Office of Law

Arnold Jablon, Director
Permits & Development Management

FROM: Fred Homan *FH*
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

RECEIVED [illegible]

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.
7825 Tuckerman Lane
Potomac, MD 20854
(301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers
5263 Argo Drive
Frederick, MD 21701
(301) 874-5885

- 6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH:nav

c: Merreen E. Kelly
W. Michael Pitcher

RECEIVED
AUG 10 1995

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

August 9, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor, and Preston
210 West Pennsylvania Avenue
Towson, MD 21204

96-39-XA

RE: Preliminary Petition Review (Item #37)
N/S Tower Road (Randallstown)
2nd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The petition meets the general requirements for filing; however, Section 502.7.C of the Baltimore County Zoning Regulations has not been addressed as part of the variance request. The site is subject to the minimum 5 acre lot size and setbacks of twice the tower height. These items must be addressed.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. J. Kellman".

Mitchell J. Kellman
Planner II
Zoning Review, PDM

MJK:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
NE/S Tower Road, 150' NW of Offutt Road, * ZONING COMMISSIONER
also 600'+/- SW of Liberty Road, 2nd *
Election District, 2nd Councilmanic * OF BALTIMORE COUNTY

Legal Owner: Baltimore County Maryland * CASE NO. 96-39-XA
Lessee: American PCS, L.P. *
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

DEPT. OF PERMITS & LICENSES
BALTIMORE COUNTY
14 1995

on
Tower Rd

Deer Park -

Drone

Lademan

3320 OFFETT Rd

Nendallstown
Md.

21133

✓ sent copy
sent by 10/25/15

Environmental Impact Statement

Randallstown American PCS Site

August 1995

Project No: 94161.22

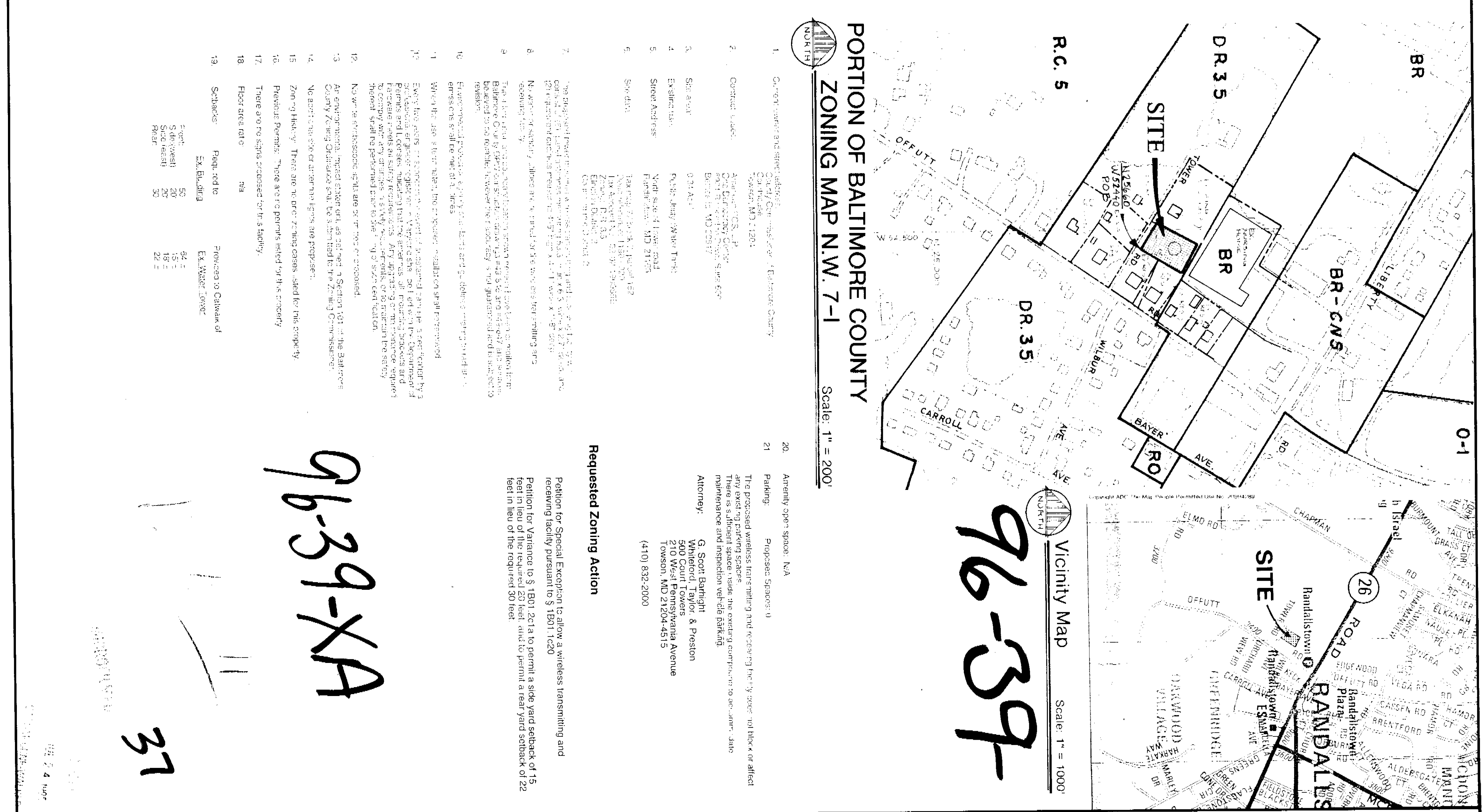
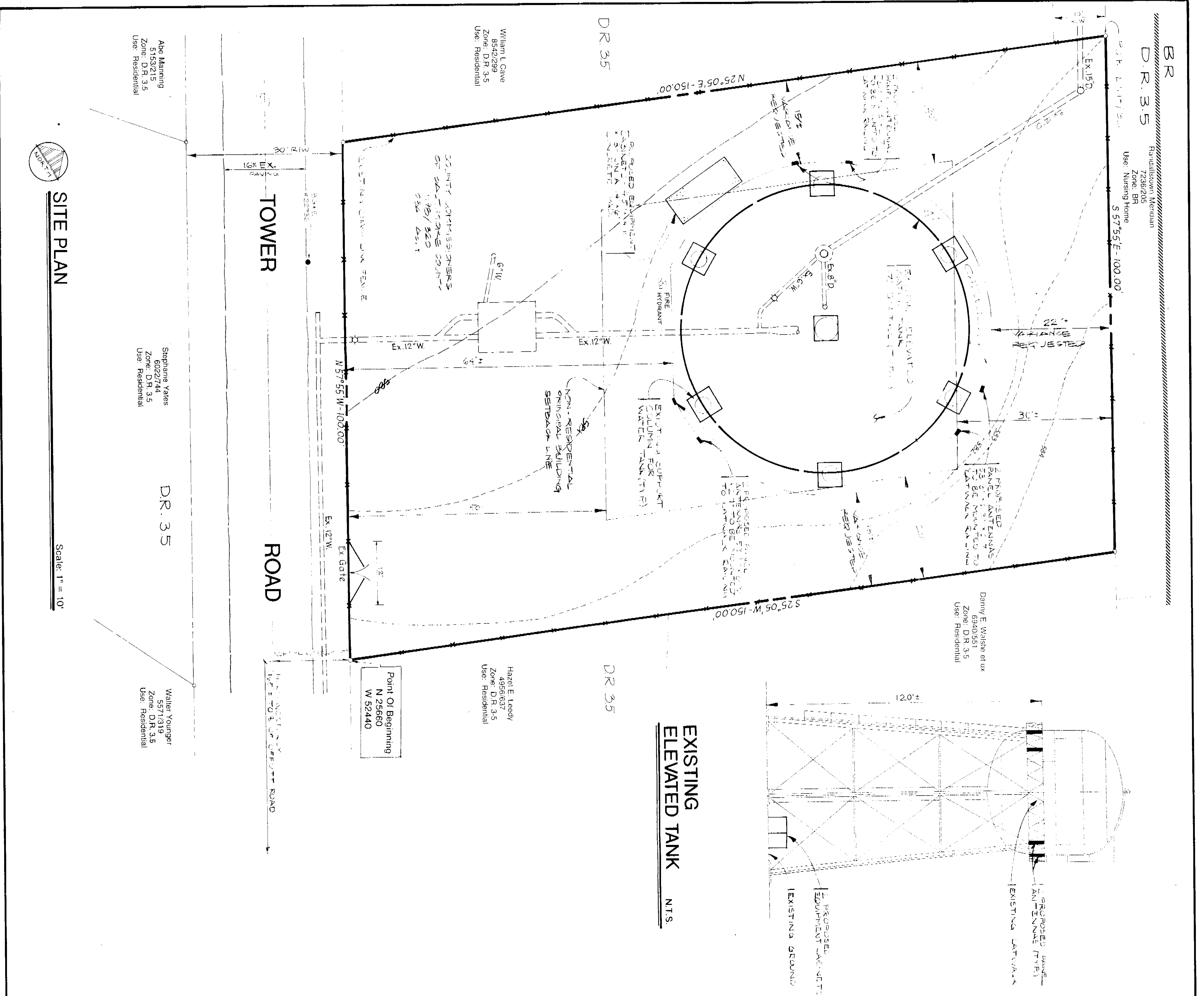
Prepared for:
American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

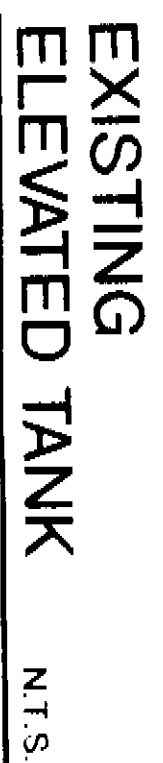
DMW

Stacy Carter

Del 58



<p>American Personal Communications Site Plan to Accompany Petition for Special Exception and Petition for Variance Randalistown 2nd Election District</p>		<p>BAN 25 Baltimore County, Maryland</p>							
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Initial</td> <td>07-19-95</td> </tr> </tbody> </table>		No.	Description	Date	1	Initial	07-19-95	<p>Scale As Shown</p>	
No.	Description	Date							
1	Initial	07-19-95							
<p>Sheet 1 OF 1</p>		<p>DMW DWM 200 E. Pennsylvania Avenue Baltimore, MD 21202 (410) 266-5333 Fax: (410) 266-5335</p>							



XP

BAN 25
Baltimore County, Maryland

Site Plan to Accompany Petition for Special Exception and Petition for Variance
Randalistown
2nd Election District

Sheet

OFF



96-39-XA

Petition for Special Exception to allow a wireless transmitting and receiving facility pursuant to § 1801, 1c20

- | Ex. E. Übung | |
|----------------|----|
| Ergebnis | 50 |
| S. der ersten | 20 |
| S. der letzten | 20 |
| Rest | 30 |

PORTION OF BALTIMORE COUNTY
ZONING MAP N.W. 7-1

Scale: 1" = 200'

R.C.
A

Vicinity Map

D.R.3.5

225

William L Cave
8542/299
Zone: D.F. 3-5
Use: Residential

Abe Manning
5153/215
Zone: D.R. 3.5
Use: Residential

Stephanie Yates
60227744
Zone: D.R. 3.5
Use: Residential

0.75

Walter Younger
5571/319
Zone: D.R. 3.5
Use: Residential

TOWER

ROAD

SITE PLAN

Scale: 1" = 10'

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - N/S Tower Road, 165' W of Offutt Road (Tower Road Site) 2nd Election District 2nd Councilmanic District BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 96-39-XA Baltimore County, Maryland - Owners: American PCS, L.P. - Contract Lessee - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property located on the north side of Tower Road, west of Offutt Road in Randallstown. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., by Margaret C. Ruggieri, Esquire, through their attorney, G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on an existing water tower on the subject property and variance relief from Section 1801.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 20 feet, and a rear yard setback of 22 feet in lieu of the required 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

McCune-Walker, Inc., and Andrew Werchinski, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire.

In the site specific request by APC for the subject site, there was no direct opposition, although testimony was generally received in opposition to the request from J. A. Mann, Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County, and Ethel M. Carter, a resident of the Randallstown area.

The subject Petition for Special Exception is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of communication. At the Tower Road site, the Petitioners propose to install its antennae on an existing water tower owned by Baltimore County. This tower is approximately 172.5 feet in height and is located on the north side of Tower Road on land zoned D.R. 3.5. The tower

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Date 11/25/95
By [Signature]

- 2 -

is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 120 feet, roughly 3/4 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in this area of Randallstown in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

- 3 -

statement was also received (Petitioner's Exhibit 5D) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Tower Road location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See *Schultz v. Pritts*, 291, Md. 1 (1971).

The Petition for Variance should also be granted. In this case, the Petitioner requests relief to allow a side setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a non-residential principal building. The unique characteristic of this property is the location of the existing water tower. Again, the B.C.Z.R. expresses a preference for the installation of antennae on existing structures. Relocation of the tower elsewhere on the site is illogical and impractical. Based on the testimony and evidence offered, I am persuaded that the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. and that the relief requested should be granted.

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

- 4 -

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1801.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet for a non-residential principal building, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 25, 1995

(410) 887-4386

G. Scott Barhight, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
N/S Tower Road, 165' W of Offutt Road
(Tower Road Site)
2nd Election District - 2nd Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-39-XA

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

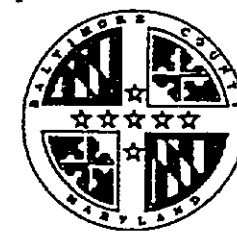
Margaret C. Ruggieri, Esquire, American PCS, L.P. 20817

One Democracy Center, 6901 Rockledge Drive, Bethesda, Md. 20817

People's Counsel; Case File

Ms. Ethel M. Carter, 9820 Clamford Road, Randallstown, Md. 21133

Printed with Soybean Ink
on Recycled Paper



Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at North side of Tower Road, Randallstown, MD
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility pursuant to section 1801.1 c 20

Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: Margaret C. Ruggieri, Esq. for American PCS, L.P. (Type or Print Name) Signature: Margaret C. Ruggieri One Democracy Center, 6901 Rockledge Drive Bethesda, MD 20817 City State Zipcode Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Print Name) Signature: G. Scott Barhight c/o Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204 City State Zipcode Phone No. 832-2000	We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Baltimore County Maryland (Type or Print Name) Signature: Bethesda, MD 20817 City State Zipcode Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Print Name) Signature: G. Scott Barhight c/o Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204 City State Zipcode Phone No. 832-2000
---	--

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

DROP-OFF
NO REVIEW
7/26/95
WCR



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at North side of Tower Road, Randallstown, MD
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (a) 1801.2.C.1.a To permit a sideyard setback at 15 feet in lieu of the required 20 feet and to permit a 22 foot rear yard setback in lieu of the required 30 feet. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: Margaret A. Ruggieri, Esq. for American PCS, L.P. (Type or Print Name) Signature: Margaret A. Ruggieri One Democracy Center, 6901 Rockledge Drive Bethesda, MD 20817 City State Zipcode Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Print Name) Signature: G. Scott Barhight c/o Whiteford, Taylor & Preston 210 W. Pennsylvania Ave Towson, MD 21204 City State Zipcode Phone No. 832-2000	We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Baltimore County Maryland (Type or Print Name) Signature: Bethesda, MD 20817 City State Zipcode Attorney for Petitioner: G. Scott Barhight, Esq. (Type or Print Name) Signature: G. Scott Barhight c/o Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, MD 21204 City State Zipcode Phone No. 832-2000
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ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

DROP-OFF
NO REVIEW
7/26/95
WCR

DMW

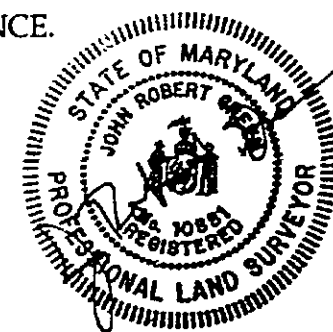
Deft-APCane-Walker, Inc.
300 East Poughkeepsie Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4785
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the point formed by the intersection of the centerline of Tower Road with the intersection of the centerline of Offutt Road (1) Northwesterly along the centerline of Tower Road 165 feet, more or less, and thence at a right angles to said road (2) Northeasterly 15 feet, more or less, to the point of beginning, said point of beginning having a coordinate value of North 25660 feet, more or less, and West 52440 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running on the north side of the aforementioned Tower Road (1) North 57 degrees 55 minutes West 100.00 feet, thence leaving said road and running the three following courses and distances, viz: (2) North 25 degrees 05 minutes East 150.00 feet, thence (3) South 57 degrees 55 minutes East 100.00 feet, and thence (4) South 25 degrees 05 minutes West 150.00 feet to the point of the beginning; containing 0.34 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

June 7, 1995

Project No. 94161.22 (L94161.22)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 8/19/95
Posted for: Special Exception + Variance
Petitioner: Bob G. Min
Location of property: Neb Tower Rd. 157 N. 1/4 Offutt Rd.
Location of Sign: Route 202 Hwy. 202 on property being posted
Remarks: None
Posted by: [Signature] Date of return: 8/25/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 11, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 10, 1995

THE JEFFERSONIAN,

A. H. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: 95-39-XA (Item 37)
157 N. 1/4 Offutt Rd., also 600 +/- SW of Liberty Road, 2nd Election District, 2nd Councilmanic Legal Owner: Baltimore County Maryland Lessee: American PCS, L.P.
Hearing: Wednesday, September 6, 1995 at 11:00 a.m. in Room 106, County Office Building.
Special Exception for a wireless transmitting and receiving facility. Variance to allow a side yard setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
8/27 Aug. 10.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 54303
ITEM 37 - XA
Drop-Off; No Review
DATE: 7/26/95 ACCOUNT: 001-6150
AMOUNT \$ 595.00 (WCR)
RECEIVED FROM: American PCS, L.P.
FOR: #050 - SPECIAL EXCEPTION
#020 - VARIANCE
#020 - CITY POSTING
Tower Road
\$141.45 + \$453.55 = \$595.00
VALIDATION OR SIGNATURE OF CASHIER
WCR - CASHIER FWR - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-39-XA (Item 37)
157 N. 1/4 Offutt Rd., also 600 +/- SW of Liberty Road, 2nd Election District - 2nd Councilmanic Legal Owner: Baltimore County Maryland Lessee: American PCS, L.P.
HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility. Variance to allow a side yard setback of 15 feet in lieu of the required 20 feet and a rear yard setback of 22 feet in lieu of the required 30 feet.

Carl Jablon
Arnold Jablon
Director
Department of Permits and Development Management

NOTES: (1) ZONING SIGN AND POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 37
Case No.: 96-39-XA
Petitioner: American Personal
Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



Printed with Soy-based Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 037(WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54.

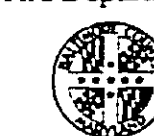
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Carly L. Pina

PK/JL

ITEM26/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5900

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41 AND 42.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

RECEIVED
AUG 11 1995

ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 14, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review
RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, 032, 033, 034, 035, 036, 037, 041 and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RNB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director August 16, 1995
Zoning Administration and Development Management
FROM: J. Lawrence Pilson, JLP/KMS
Development Coordinator, DEPRM
SUBJECT: Zoning Item #37 - American Personal Communications
Randallstown Site
Zoning Advisory Committee Meeting of August 7, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance personnel. Access to catwalk must be restricted by lock and key. Caution/warning signs should be placed in a prominent place close to the antennas and should advise maintenance people: a) not to stand close to the antennas and b) provide a phone number for antenna information.

JLP:BS:sp

c: S. Reekie

AMERICAN/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Virginia M. Barnhart, County Attorney
Office of Law
Arnold Jablon, Director
Permits & Development Management
FROM: Fred Homan, FH
Office of the Budget
DATE: August 9, 1995
SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDP transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's S-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.
7825 Tuckerman Lane
Potomac, MD 20854
(301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.

4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.

5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers
5263 Argo Drive
Frederick, MD 21701
(301) 874-5885

6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.

7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

PH:nav

c: Merreen E. Kelly
W. Michael Pitcher

*on Red
Tower Rd
Deer Park -
Drone
Ladderman
3320 OFFETT RD
Randallstown
Md.
21133
[Signature]*

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3610

August 9, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor, and Preston
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #37)
N/S Tower Road (Randallstown)
2nd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The petition meets the general requirements for filing; however, Section 502.7.C of the Baltimore County Zoning Regulations has not been addressed as part of the variance request. The site is subject to the minimum 5 acre lot size and setbacks of twice the tower height. These items must be addressed.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

[Signature]
Mitchell J. Kellman
Planner II
Zoning Review, PDM

MJK:scj

Enclosure (receipt)

c: Zoning Commissioner

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
NE/S Tower Road, 150' NW of Offutt Road,
also 600' +/- SW of Liberty Road, 2nd
Election District, 2nd Councilmanic
Legal Owner: Baltimore County Maryland
Lessee: American PCS, L.P.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-39-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
11 1995

Environmental Impact Statement

Randallstown
American PCS Site

August 1995
Project No. 94161.22

Prepared for:
American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

Prepared by:
DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

Ethyl Carter
Del 57

